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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,353	01/12/2006	Yukio Umemura	062709-0160	9085
23428 7590 12/16/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
IRVIN, THOMAS W				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
12/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,353

Applicant(s)

UMEMURA, YUKIO

Examiner

THOMAS IRVIN

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) 2-10 and 12-16 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 11, 17 and 18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 20090608
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 2-10, and 12-16 were previously withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. The examiner notes that in any subsequent amendments filed, applicant **must** indicate these claims as -- (Withdrawn) -- instead of "(Original)"; not doing so will be held in non-compliance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosu (JPO 2003-139161).

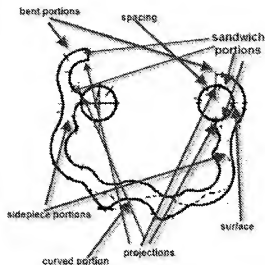


Fig. A

In Re claim 1, Kurosu teaches a power transmission device comprising: a first transmission member (7) rotatably attached at a boss portion of a housing of a compressor; a second transmission member (1) fixed to an end portion of a rotary shaft passing loosely through the boss portion (see Fig. 1); a first pin (5) mounted on one of the first transmission member and the second transmission member; a second pin (9) mounted on the other of the first transmission member and the second transmission member; and a coupling member (11) coupling the first pin with the second pin to transmit power from the first transmission member to the second transmission member (see Fig. 1) and cutting off the power transmission when a torque load applied to the first pin exceeds a given value (par. 0020), wherein the coupling member comprises: a pair of sidepiece portions disposed parallel to each other (see Fig. A); a pair of bent portions having free ends, basic ends joined integrally to first ends of the sidepiece portions respectively and sandwich portions sandwiching the pins, wherein each of the

sandwich portions comprises: two projections disposed at regular intervals one another in a circumferential direction of the first pin and contacted with the outside circumferential surface of the pins; and one surface disposed between the adjacent projections and opposed to the outside circumferential surface of the first pin at a regular distance (See Fig. A above); and a curved portion having both ends joined integrally to second ends of the sidepiece portions respectively (see Fig. A) and a hole (10) through and into which the second pin (9) is passed and fitted (see figure 1), wherein the pins are sandwiched between the sandwich portions by inserting the pins into a spacing between the sidepiece portions (see Fig. A) and then pressing the pins toward the bent portion side to deform the bent portions in a direction away from each other (par. 0014 and also it is inherent that when the pin is inserted, it will move the bent portion away from the other bent portion) and wherein the pin is released from the coupling member when the torque load applied to the pin exceeds a given value (see Fig. 5 and par. 0004 and 0020).

Kurosu fails to explicitly disclose one pin sandwiched by the sandwiching member, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pins (5 and 6) of Kurosu to be an integral pin structure in order to simplify the structure and reduce the number of parts, thus simplifying and shortening assembly complexity and time.

As per claim 11, Kurosu teaches an inside surface of at least one of the sidepiece portions is smoothly joined to a projection located on the basic end side of the

bent portion (see Fig. A above). Examiner notes that "smoothly" is very broad, and has been interpreted as such.

As per claim 17, Kurosu teaches a method for manufacturing a power transmission device, comprising the steps of: fitting a second pin (9) into a hole (10,14) of a coupling member (10,11) wherein the second pin is mounted on one of a first transmission member and a second transmission member (see Fig. 1); inserting a first pin (5,6) into a spacing of the coupling member wherein the first pin is mounted on the other of the first transmission member (7) and the second transmission member (1) ; fastening the transmission member on which the second pin is mounted (see par. 0013, 0015 and 0019) ; and sandwiching the pins between sandwich portions of the coupling member by rotating the transmission member on which the pins are mounted to move the pins toward an open end side of the spacing. (see Fig. A and par. 0014; since coupling member forms a curve projecting radially outwardly of the first transmission member, it is construed that first pin is sandwiched and transmission member is rotated and formed a curve to move the first pin toward an open end on the first transmission member side).

Kurosu fails to explicitly disclose one pin sandwiched by the sandwiching member, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pins (5 and 6) of Kurosu to be an integral pin structure in order to simplify the structure and reduce the number of parts, thus simplifying and shortening assembly complexity and time.

As per claim 18, Kurosu teaches a compressor comprising: a housing ; a boss portion (1a) formed at an end portion of the housing; a rotary shaft passing loosely through the boss portion; and a power transmission device transmitting driving force of an engine to the rotary shaft (see Figs. 1 and 2), wherein the power transmission device comprising: a first transmission member (7) rotatably attached at the boss portion; a second transmission member (1) fixed to an end portion of the rotary shaft; a first pin (5) mounted on one of the first transmission member and the second transmission member; a second pin (9) mounted on the other of the first transmission member and the second transmission member; and a coupling member (11) coupling the first pin with the second pin to transmit power from the first transmission member to the second transmission member (see Fig. 1) and cutting off the power transmission when a torque load applied to the first pin exceeds a given value (par. 0020), wherein the coupling member comprises: a pair of sidepiece portions disposed parallel to each other (see Fig. A above); a pair of bent portions respectively having free ends, basic ends joined integrally to first ends of the sidepiece portions respectively and sandwich portions sandwiching the pins, wherein each of the sandwich portions comprises: two projections disposed at regular intervals one another in a circumferential direction of the first pin and contacted with the outside circumferential surface of the pins; and one surface disposed between the adjacent projections and opposed to the outside circumferential surface of the first pin at a regular distance (See Fig. A above); and a curved portion having both ends joined integrally to second ends of the sidepiece portions respectively (see Fig. A) and a hole (10) through and into which the second pin (9) is passed and

fitted (see figure 1), wherein the pins are sandwiched between the sandwich portions by inserting the pins into a spacing between the sidepiece portions (see Fig. A) and then pressing the pins toward the bent portion side to deform the bent portions in a direction away from each other (paragraph 0014 and also it is inherent that when the pin is inserted, it will move the bent portion away from the other bent portion) and wherein the pin is released from the coupling member when the torque load applied to the pin exceeds a given value (see Fig. 5 and par. 0004 and 0020).

Kurosu fails to explicitly disclose one pin sandwiched by the sandwiching member, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pins (5 and 6) of Kurosu to be an integral pin structure in order to simplify the structure and reduce the number of parts, thus simplifying and shortening assembly complexity and time.

Response to Arguments

Applicant's arguments filed 17 July 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a space between the pins and the coupling member surface) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the references fail to show a hole, the examiner has attempted to clarify the rejection (see above). Additionally, the examiner points to component (10) which has a hole, and (14), understood to meet the limitations of the claim. The examiner regards those labeled portions as part of the broadly claimed "coupling member".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., par. 1 of p. 3 of applicant's remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS IRVIN whose telephone number is (571)270-3095. The examiner can normally be reached on M-F 10-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Irvin/
Examiner, Art Unit 3657

/Bradley T King/
Primary Examiner, Art Unit 3657